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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAMIL MISZTAL,

Defendant.

Case No. 2:22-MJ-00067 AC

**STIPULATION AND [PROPOSED]
ORDER FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT
TO RULE 5.1(d) AND EXCLUSION OF
TIME**

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney Jason Hitt, and defendant Kamil Misztal (“defendant”), both individually and by and through his counsel of record, hereby stipulate as follows:

1. The Complaint in this case was filed on April 29, 2022, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on May 12, 2022. Defendant is currently out of custody and under conditions of pretrial supervision.

2. By this stipulation, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure, the parties jointly move for an extension of time of the preliminary hearing date of June 21, 2024, to August 23, 2024, at 2:00 p.m., before the duty Magistrate Judge. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government’s continuing investigation of the case. The parties further agree that the interests

of justice served by granting this continuance outweigh the interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The government has provided initial disclosure in the case, which consists of written reports, photographs, audio files, and related materials. In addition, the parties are in discussion about a pre-indictment resolution to the case. Finally, counsel for defendant has engaged in negotiations with a separate prosecutor in a different District related to a potential pre-litigation resolution of that District's investigation.

3. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between June 21, 2024, and August 23, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

Dated: June 20, 2024

BOIES SCHILLER FLEXNER LLP

By: /s/ John J. Kucera

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Attorneys for Defendant
Kamil Misztal

Dated: June 20, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ Jason Hitt

JASON HITT (as authorized on June 20, 2024)
 Assistant United States Attorney

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

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KAMIL MISZTAL,

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Case No. 2:22-MJ-00067 AC


**~~[PROPOSED]~~ ORDER GRANTING
EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT
TO RULE 5.1(d) AND EXCLUSION OF
TIME**

The Court has reviewed the stipulation of the parties in this matter requesting an extension of time of the preliminary hearing date to August 23, 2024, at 2:00 p.m., pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. Based upon the representations of the parties, the Court makes the following findings:

1. Good cause exists to extend the preliminary hearing, presently on calendar for June 21, 2024, to August 23, 2024, at 2:00 p.m., before the assigned duty Magistrate Judge; and
2. The interests of justice served by granting this continuance outweigh the interests of the public and the defendant in a speedy trial, and time is therefore excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), Local Code T4.

IT IS SO ORDERED.

DATED: June 20, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE